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Attorneys for Defendants.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SAMUEL D. ELLSWORTH and
ROBIN ELLSWORTH,

Plaintiffs,

vs.

AMERICAN HOME
MORTGAGE SERVICING, INC.
a business entity form unknown,
POWER DEFAULT SERVICES,
INC., A BUSINESS ENTITY
FORM UNKNOWN and Does 1 to
100,

Defendants.

CASE NO. SACV 12-1499 AG (MLGx)

The Hon. Andrew J. Guilford

**JOINT POST-MEDIATION STATUS
REPORT**

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2 Plaintiffs, SAMUEL D. ELLSWORTH and ROBIN ELLSWORTH,
3 (referred to herein as "Plaintiffs") and Defendants HOMEWARD FINANCIAL,
4 INC., formerly known as AMERICAN HOME MORTGAGE SERVICING, INC
5 and POWER DEFAULT SERVICES, INC. (collectively "Defendants") hereby
6 submit this Joint Post-Mediation Status Report (the "Report").
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9 **1. Pre-Mediation Conference of Counsel**

10 The following attorneys met and conferred prior to the parties' scheduled
11 ADR conference, which was held on April 25, 2013, to discuss the documents
12 Defendant required in order to consider Plaintiffs' eligibility for a loan modification
13 or otherwise foreclosure alternatives.
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- 15 1. Counsel For Plaintiffs: Babak Hashemi (Manning Law Office)
- 16 2. Counsel for Defendant: Antonio Cortes (Smith Dollar)

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18 **2. Pre-Mediation Exchange of Information**

19 The parties exchanged the following information and/or documents prior to the
20 Mediation Conference:
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- 22 1. Plaintiffs' personal Tax returns;
- 23 2. Plaintiffs' proof of employment and income;
- 24 3. Plaintiffs' bank statements;

4. Documents relating to Plaintiffs' occupancy in the Subject Property;
5. Plaintiffs' proposed modification terms;
6. Plaintiffs' reinstatement plan.

Parties Present at Mediation:

The following parties were present at Mediation Conference held on April 25, 2013:

1. Plaintiffs: Samuel and Robin Ellsworth;
2. Plaintiffs' Counsel: Babak Hashemi (Manning Law Office)
3. Defendant's Counsel: Libby Wong
4. Defendant's representative not present; however, reached via telephone.
5. Attorney Settlement Officer ("ASO"): John W. Garman

3. Information Exchanged at Mediation

At mediation, the parties continued to engage in settlement discussions, including various loan modification and loan reinstatement alternatives. Prior to the meeting, Plaintiffs had communicated several foreclosure alternatives, including modification scenarios and reinstatement plans. Defendant was unable to offer Plaintiffs any option because the loan's investor had not yet approved any of the previously offered options.

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4 **4. Disposition**

5 By May 1, 2013, Plaintiffs will make a reinstatement plan offer to Defendant,
6 as an alternative only if a loan modification is not feasible.
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8 Parties agreed that further mediation will be required and agreed to hold a
9 subsequent telephonic meeting on May 14, 2013 with all parties, including ASR,
10 John Garmin, Defendant's representative and their respective counsel to actively
11 participate in the teleconference. In the event that the parties are not able to resolve
12 the remaining issues privately, the parties agree and request that John Garman shall
13 continue as their mediator. At this time, the parties, through their counsel, are
14 engaged in ongoing settlement negotiations in hopes of reaching an amicable
15 resolution on this matter.
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19 **5. The Litigation**

20 Defendants have scheduled a Summary Judgment Motion on June 3, 2013,
21 which is the same date as the Final Pretrial Conference. However, pursuant to this
22 court's scheduling order, "all Summary Judgment or Partial Summary Judgment
23 Motion shall be noticed for a hearing not less than 25 days before the Final Pretrial
24 Conference, unless otherwise allowed by the Court". Accordingly, Defendant
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1 requests that the Court authorize the motion for summary judgment to be heard on
2 June 3, 2013.
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4 A three day jury trial is scheduled to commence on June 18, 2013.
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7 Respectfully Submitted.

8 Dated: May 6, 2013
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LAW OFFICES OF
JOSEPH R. MANNING, JR., APC

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11 By: /S/ Babak Hashemi
12 Babak Hashemi, Esq.
13 Attorneys for Plaintiffs

14 Dated: May 6, 2013
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SMITH DOLLAR, P.C.

16 By: /S/ Sherrill Oates
17 Sherrill Oates, Esq.
18 Attorneys for Defendants
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